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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,298	10/31/2000	Steven A. Bogen	1159.1004-005	3668
21005 7590 01/09/2008 HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			EXAMINER ALEXANDER, LYLE	
			ART UNIT 1797	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3-18 are rejected under 35 U.S.C. 102 (e) as being clearly anticipated by Muller et al.

See the appropriate paragraph of the 7/16/07 Office action.

Response to Arguments

Applicant's arguments filed 11/02/07 have been fully considered but they are not persuasive.

Applicants state their invention differs from Muller et al. because it allows fluid to dispense from above the selected cavity. These remarks are not commensurate in scope with the pending claims. The pending claims do not have any structure that "dispenses" the fluid above the plural cavities. Even if such amendments were made, one having ordinary skill in the art would have expected the well known results of fluid addition and this would have been obvious in light of Muller et al.

Applicants state Muller et al. fails to teach relative movement of the slide chamber and the fluid inlet. Muller et al. teach in column 4 lines 27-51 "... modules contains ... having a gasket-equipped slide contacting chamber with input and output fluid passageways ... " that move relative to the fluid input/output means.

Conclusion

This is a continuation of applicant's earlier Application No. 09/702,298. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lyle A. Alexander whose telephone number is 571-272-1254. The examiner can normally be reached on Monday, Tuesday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Lyle A Alexander
Primary Examiner
Art Unit 1797


